



Obama and Homeland Security Moving Nation in Right Direction on Immigration

By Representative Mike Honda

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The Obama administration recently announced that immigration enforcement programs will no longer target DREAM Act-eligible youth and other low-priority immigration offenders.

This is a huge step in the right direction for the White House and its Department of Homeland Security, which has claimed, repeatedly, to prioritize its finite immigration enforcement resources by pursuing criminal aliens, yet concurrently deports tens of thousands of immigrants who pose no threat to our national security or community safety.

DHS programs such as Secure Communities that require local police officers to engage in federal immigration law enforcement have meant that the agency's stated priorities are routinely neglected and individuals without a prior criminal history have wound up in deportation proceedings after being stopped for minor traffic violations, loitering or other small infractions.

An eye-opening report released this month by the American Immigration Lawyers Association documents 127 cases of low-priority individuals from around the country who were placed into deportation proceedings after these types of encounters with local police.

In one example, the DHS, along with local law enforcement, spent financial resources and manpower to pick up a San Francisco-area high school graduate from a local park, take him to jail, identify him as undocumented and get him placed in deportation proceedings. That graduate has been in the United States since he was 4 years old, has no criminal history and was never charged with a crime at the police station.

In another, the victim of a hit-and-run car accident called the police, only to be identified as an undocumented immigrant and held at the scene of the crime until Immigration and Customs Enforcement arrived to take him into custody and be placed into removal proceedings.

This type of interaction sends a message to immigrant communities that reporting crimes can lead to deportation. Consequently, all of our communities are less safe when local police cannot effectively do their jobs. Besides the social consequence of heavy-handed police engagement in immigration enforcement, there are serious financial concerns to consider as well.

Local law enforcement agencies are using invaluable time and resources on people who are contributing socially and economically to our communities, not criminals who are causing harm.

Furthermore, low-priority immigration cases such as these are clogging up the immigration court system by contributing to a backlog of almost 300,000 cases and an average wait of 482 days until a hearing.

To tackle this burdensome number, the DHS has decided to detail a committee with the responsibility of evaluating every pending immigration case to determine whether the immigration violator is a low or high priority for deportation. Low-priority cases will be closed, and the immigrant will be allowed to apply for work authorization though will not receive a full legal immigration status. High-priority cases will be accelerated and handled quickly by an immigration judge.

The criteria for prioritization are outlined in an agency memo from June 17 and includes things such as a person's ties and contributions to the community, family relationships, and whether the person is a primary caretaker or nursing mother or would otherwise qualify for relief in immigration court. A new guidance memo outlining implementation of the plan is expected to follow the administration's announcement.

This plan is as ambitious as it is righteous. I am heartened by the agency's realization that it was wasting finite resources on harmless people. It does not, however, allow all DREAM Act students or noncriminal immigrants room to breathe a sigh of relief. The only way to truly fix our broken immigration system is with comprehensive immigration reform that is passed by both chambers of this Congress.

I urge my colleagues, especially those on the Judiciary Committee, to carefully review this plan from the DHS and use it as a starting place for a thoughtful conversation about immigration policy.